REMARKS

In response to the restriction requirement, Applicants elect, with traverse, to prosecute Group I, initially corresponding to claims 1-8, 12, 15-16, 21-28 and 33. Further, Applicants elect, with traverse, to prosecute the following species:

1. For claim 1 the specific antibody ST2485;
2. For claim 22 the content of the vial 1 is biotinylated ST2485, vial 2 is avidin, vial 3 is streptavidin, vial 4 is biotinylated albumin and vial 5 is the radiolabelled compound ST2210 wherein R is H; Q is $(CH_2)_n$, where n is 6; R" is -A; Y is CH_2-COOH; X is H and p is 2.
3. For claim 24 the radiolabelled compound ST2210.

It is respectfully urged that the claims of Groups I-VII be examined together. Accordingly, reconsideration of the restriction requirement is respectfully requested. It is respectfully submitted that a search for the subject matter of the group selected will of necessity also involved a search for the subject matter of Groups II-VII, since it is in fact Group I anti-human tenascin monoclonal antibody which is encoded by the Group II, comprises the Group III, is used in Group IV, is contained in Group V and is used in Groups VI and VII. Similarly, once the invention of Group I has been searched, the subject matter in the remaining groups will not be an undue burden for the Examiner and it would be efficient to consider all pending claims at this time.

In addition, the Examiner has the discretion to prosecute all of the pending claims in a single patent application. In fact, "[I]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it

includes claims to independent and distinct invention." (Emphasis added, MPEP § 803, second paragraph).

Further, Applicants respectfully urge that also the species recited in claims 22-26 be examined together. A search for the subject matter of the species selected will of necessity involve a search for the subject matter of the other species as well. Once the species selected are searched, the subject matter in the additional species will not be an undue burden for the examiner since the anti-human tenascin antibodies, or their proteolytic fragments, or recombinant derivatives conjugated or analogues all share the same main chemical structure. Similarly, all of the biotin DOTA also share the same main chemical structure. Thus, it would be efficient to consider all of the species at this time.

Further, on page 3 of the Office Action, the Examiner stated that the invention of Group I was found to have no special technical feature that defined the contribution over the prior art De Santis et al. (Cancer Biotherapy & Radiopharmaceuticals. August 2004, 19(4): 512-541, hereinafter "De Santis"). However, Applicants submit herewith the English translation of the certified copy of the priority document of the present application, including the statement that the English translation is a true and correct translation of the priority document RM2004A000105 filed on February 27, 2004.

Thus, it is respectfully submitted that De Santis is not prior art to the present application. De Santis publication date of August 2004 is well after the February 27, 2004 filing date of Application Number RM2004A000105, the priority document of the present application.

As De Santis is not prior art to the presently claimed subject matter, it is respectfully submitted that the invention of Group I do have single general inventive entity and do not lack unity of invention.

This response is being filed within shortened statutory period for response. Thus, no further fees are believed to be required. If, on the other hand, it is determined that any further fees are due or any overpayment has been made, the Assistant Commissioner is hereby authorized to debit or credit such sum to Deposit Account No. 02-2275.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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